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10/506,509	09/03/2004	Yukihiro Oishi	52363-020	2736
20277 7590 06/15/2007 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER IP, SIKYIN	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1 is, claims 1 (ingredient (1), 2, 5-7, 19- 22, and 25-26, drawn to a magnesium base alloy pipe containing 0.1-12.0 mass % Al, 3% or higher elongation, and 250 MPa or higher tensile strength.

Group 2 is, claims 1 (ingredient (2), 2, 5-7, 19-22, and 25-26, drawn to a magnesium base alloy pipe containing 0.1-12.0 mass % Al, 3% or higher elongation, and 250 MPa or higher tensile strength.

Group 3 is, Group (1 or 2) and claim 3, drawn to a magnesium base alloy pipe with tensile strength 350 MPa or above.

Group 4 is, Group (1 or 2) and claim 4, drawn to drawn to a magnesium base alloy pipe with tensile strength 250-350 MPa or above.

Group 5 is, Group (1 or 2) and claim 8, drawn to a magnesium base alloy pipe with elongation 12% or above.

Group 6 is, claims 9 (ingredient 1), drawn to a magnesium base alloy pipe having a 0.75 or greater YP ratio.

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Group 7 is, claims 9 (ingredient 2), drawn to a magnesium base alloy pipe having a 0.75 or greater YP ratio.

Group 8 is, Group (6 or 7) and claim 10, drawn to a magnesium base alloy pipe having a 0.75-0.90 YP ratio.

Group 9 is, Group (6 or 7) and claim 11, drawn to a magnesium base alloy pipe having a 0.90 or above YP ratio.

Group 10 is, claims 12 (ingredient 1) and 13, drawn to a magnesium base alloy pipe having a 0.2% proof stress of 220 MPa or above.

Group 11 is, claims 12 (ingredient 2) and 13, drawn to a magnesium base alloy pipe having a 0.2% proof stress of 220 MPa or above.

Group 12 is, claim 14, drawn to a magnesium base alloy pipe having a 10  $\mu\text{m}$  or smaller average grain size.

Group 13 is, claims 15-17, drawn to a magnesium base alloy pipe having fine grains and coarse grains duplex grain structure.

Group 14 is, claim 18, drawn to a magnesium base alloy pipe having a mixed structure which comprises twins and recrystallized grains.

Group 15 is, claim 23, drawn to a magnesium base alloy pipe having about 0.1-12.0 mass % of Al plus about 0.1-2.0 mass % of Mn.

Group 16 is, claim 24, drawn to a magnesium base alloy pipe having about 0.1-12.0 mass % of Al plus at least one element selected from Mn, Zn, and Si.

Group 17 is, claims 27 (magnesium base alloy "A"), 28-33, and 46-52, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al and steps directed to drawing.

Group 18 is, claims 27 (magnesium base alloy "B"), 28-33, and 46-52, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al plus at least one element selected from Mn, Zn, and Si and steps directed to drawing.

Group 19 is, claims 27 (magnesium base alloy "C"), 28-33, and 46-52, drawn to a method of manufacturing a magnesium base alloy pipe containing about 1.0-10.00 mass % of Zn and 0.1-2.0 mass % of Zr and steps directed to drawing.

Group 20 is, claims 34 (magnesium base alloy "A") and 35-45, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al and steps directed to metal pointing step.

Group 21 is, claims 34 (magnesium base alloy "B") and 35-45, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al plus at least one element selected from Mn, Zn, and Si and steps directed to metal pointing step.

Group 22 is, claims 34 (magnesium base alloy "C") and 35-45, drawn to a method of manufacturing a magnesium base alloy pipe containing about 1.0-10.00 mass % of Zn and 0.1-2.0 mass % of Zr and steps directed to metal pointing step.

The inventions listed as Groups 1-22 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group 1 (claim 1,

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ingredient 1, for example) is obvious in view of JP 02310332 (abstract) accordingly the special technical features linking the groups do not provide a contribution over the prior art and no single inventive concept exists.

The inventions listed as Groups 1-22 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical features such as alloy compositions, properties, and/or steps of each Group do not correspond to each other. Unity does not exist between Groups 1-22.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. §103(a) of the other invention.

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## Conclusion

Applicant is reminded that when amendment and/or revision is required, applicant should therefore specifically point out the support for any amendments made to the disclosure. See 37 C.F.R. § 1.121; 37 C.F.R. Part §41.37 (c)(1)(v); MPEP §714.02; and MPEP §2411.01(B).

### Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Ip whose telephone number is (571) 272-1241. The examiner can normally be reached on Monday to Friday from 5:30 A.M. to 2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King, can be reached on (571)-272-1244.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER  
ART UNIT 1742

S. Ip  
June 6, 2007